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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,431	03/30/2004	Richard D. Newberry	5004-0023-1-1	3359

35301 7590 04/12/2006

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EXAMINER

COCKS, JOSIAH C

ART UNIT PAPER NUMBER

3749

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/812431

EXAMINER
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ART UNIT	PAPER
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04062006

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

See attached Office communication.

### **DETAILED ACTION**

#### ***Election/Restrictions***

1. The prior Office action included a requirement for applicant to elect one species from a list of patentably distinct species identified by the examiner. In the response filed 1/31/2006 applicant purports to elect the species identified in paragraph [0007] of the specification and indicated claims 1-19 to read thereon. The following is the language appearing in paragraph [0007] of applicant's specification:

[0007] In a first aspect of the present invention, a control system for a heating system including a combustion chamber, a thermostat, an igniter, an air blower, and a fuel pump comprises at least one ultraviolet (UV) sensor to be positioned adjacent to a combustion flame source in the combustion chamber of a heating system for generating a UV detection signal indicative of the quality of the combustion flame based on the characteristics of UV light generated by the combustion flame. A monitoring circuit communicating with the at least one UV sensor for generating at least one signal in response to the UV detection signal.

The examiner notes that none of claims 1-19 include limitations drawn to the this elected species, which includes among other things, the distinguishing characteristic of "a monitoring circuit communicating with the at least one UV sensor". Instead claims 1-6 appear to read on the species appearing in paragraph [0008], which is reproduced below:

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[0008] In a second aspect of the present invention, a control system for a heating system including a combustion chamber, a thermostat, an igniter, an air blower, and a fuel pump comprises at least one ultraviolet (UV) sensor to be positioned adjacent to a combustion flame source in the combustion chamber of a heating system for generating analog signals indicative of the quality of the combustion flame based on the characteristics of UV light generated by the combustion flame. Provided is means communicating with the at least one UV sensor for converting the analog signals into digital signals indicative of the quality of the combustion flame based on the characteristics of UV light generated by the combustion flame, and means for performing numerical and logical operations on the digital signals.

The examiner notes that this species of applicant's invention includes, among other things, the distinguishing characteristics of a means for converting the analog signals into digital signals and means for performing numerical and logical operations.

Further, claims 7-19 appear drawn to yet a third species of applicant's invention, that described in paragraph [0009]. A portion of paragraph [0009] appears below:

characteristics of UV light generated by the combustion flame. Provided is means for transmitting the signals to a remote processor via a global communications network, and means at the remote processor for employing data carried by the transmitted signals to aid service personnel responsible for fuel delivery or heating system repair in servicing the heating system.

The examiner notes that this species includes, among other things, the distinguishing characteristics of a means for transmitting the signals to a remote process via a global communications network and means at the remote process for employing data carried by the transmitted signals.

Applicant was advised in the prior Office to include an identification of the elected species and a complete listing of all claims readable thereon. For the reasons noted above, the examiner is unable to determine the species of invention that applicant intended to elect and the applicable claims. Accordingly, applicant's response of 1/31/2206 is considered non-responsive.

### *Conclusion*

2. Applicant's reply is considered *bona fide* as applicant attempted to elect a species and provide a list of claims. Accordingly, pursuant to 37 CFR 1.135(c), **applicant is given 1 month to complete the reply.**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Josiah Cocks whose telephone number is (571) 272-4874. The examiner can normally be reached on weekdays from 8:00 AM to 5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg, can be reached at (571) 272-4828. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jcc  
April 6, 2006

  
JOSIAH COCKS  
PRIMARY EXAMINER  
ART UNIT 3749